APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/687,562	10/13/2000	Alan T. Ruberg	P4822	9045

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EXAMINER
FERRIS, DERRICK W

ART UNIT	PAPER NUMBER
2663	

DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>19 July 2004</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-22</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-22</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>13 October 2000</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____ .

DETAILED ACTION

Response to Amendment

1.   **Claims 1-22** as amended are still in consideration for this application. Applicant has

canceled no claims. Applicant has added claims 21 and 22.

2.   Examiner does **not withdraw** the anticipated rejection to *Ozkan* for Office action filed

4/15/04. In response to applicant's remarks filed 7/19/04, applicant argues the term

"interconnect". In particular, applicant argues that an interconnect is not a connection.

Examiner agrees in that an interconnection is not a connection but a single communications line

or channel. Support for the examiner's interpretation is drawn from page 11, lines 22-23 of

applicant's specification. As such, the limitation is met two-fold: first by the single channel line

connecting display 40 and second by the single channel line connection storage device 90, see

e.g., figure 1. Examiner also notes that one could argue that NTSC/PAL encoder 45 acts as an

interconnect. Absent and not claimed is the further limitation of connecting multiple displays via

an interconnect 322 (e.g., see applicant's figure 5). Applicant then argues that the processor 60,

shown in figure 1, is not connected to both the demultiplexer 22 and multiplexer 44. Examiner

respectfully disagrees. In particular, the processor configures the decoder system which includes

both the demultiplexer 22 and multipelxer 44, see e.g., column 3, lines 45-53. Specifically, the

processor 60 controls the demultipelxer 22 e.g., at column 5, lines 30-24 and multiplexer 44 at

e.g., column 9, lines 55-56. Applicant further argues that the bulk decoder is not part of the

network nor is the bulk decoder part of the desktop unit that includes the display. Examiner

notes the limitations are recited in the claims including independent claim 15. Finally, applicant

argues that that the reference cited by applicant is incapable of converting a signal that includes

intermixed data into a single communications protocol. Examiner respectfully disagrees. In particular, see applicant's figure 6 where an intermixed signal is fed into demulitplexer 334 which separates the signals which are then handled by separate decoders 336, 338, and 340 and fed back into a multiplexer 342 into its original seperated signals, see e.g., applicant's specification at page 11, lines 13-21 and page 12, lines 5-14. As such, see figure 1 of *Ozkan* where the intermixed signal is fed into demultipelxer 22 which separates the signal. The original separated signal (e.g., the video signal) is then fed into a multiplexer. Since the signals are seperated (i.e., the video is separated from audio and text), the limitation is met.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   **Claims 1-19, 21, and 22** are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,031,577 A to *Ozkan et al.* ("*Ozkan*").

As to **claim 1**, *Ozkan* discloses a system for forming and processing program specific information containing text data. With respect to the claims, see figure 1. In particular, a "bulk decoder" is shown as decoder 100, an output device is shown as display 50, and an interconnect is shown as the connection between the decoder 100 and display 50 (examiner assumes a reasonable but broad interpretation of "interconnect").

Also note the network connects the input processor 13, demodulator 15, decoder 17,

decoder 100, and processor 60.

As to **claim 2**, see e.g., a central processor as processor 60, a demultiplexer as

demultiplexer 22, a decoder as MPEG video decoder 25, and multiplexer as MUX 40.

As to **claim 3**, see e.g., column 2, lines 49-65.

As to **claims 4-5**, see e.g., column 3, lines 10-30.

As to **claim 6**, see e.g., column 5, lines 1-34 where examiner notes a reasonable

but broad interpretation of bulk decoders.

As to **claim 7**, see similar rejection for claim 1 where examiner notes a reasonable

but broad interpretation of server as part of remote interface 65 and processor/controller

60.

As to **claim 8**, see a processor as processor 60, processor unit 22, or processor 30.

As to **claim 9**, see a demultiplexer as demultiplexer 22 and a multiplexer as mux

40.

As to **claim 10**, see similar rejection for claim 6.

As to **claim 11**, see similar rejection for claim 2.

As to **claim 12**, see similar rejection for claim 3.

As to **claim 13**, see MPEG video decoder 25.

As to **claim 14**, see audio processor 35.

As to **claim 15**, see similar rejection for claim 1.

As to **claim 16**, see similar rejection for claim 1.

As to **claim 17**, see similar rejection for claim 2.

As to **claim 18**, see figure 1.

As to **claim 19**, see similar rejection for claim 3.

As to **claim 21**, see figure 1 where a bulk decoder is decoder 100 and processor 60. In particular, a network comes from 10 into the digital receiving apparatus. The decoder 100 is configured by processor 60 to decode data received from the network and transmit decoded data to an interconnect, the bulk decoder being capable of converting data received from the network in various data forms into data representing a single protocol. In particular, the interconnect is the communications channel connected to e.g., the display 50. The communications channel could also be connected to e.g., the storage medium 105 such that the storage device 90 acts as an interconnect. In addition, the intermixed signal (i.e., the incoming signal of video and audio) is separated into a single protocol (i.e., either a video signal or an audio signal) where the video signal is further set to the interconnect via mux 40. The output device is display 50, audio reprdn 55, or storage medium 105.

As to **claim 22**, a central processor is processor 60 (see figure 1), a demultiplexer is demultiplexer 22, a multiplexer is mux 40, a decoder is decoder 25, and a processor is processor 60 (also note that processor could also be decoder 25). Also note that the processor 60 controls the demultiplexer 22 and mux 40 as part of decoder 100, see e.g., column 3, lines 30-54.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   **Claim 20** is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,031,577 A to *Ozkan et al.* ("*Ozkan*") in view of "Real-Time Parallel MPEG-2 Decoding in Software" to *Bilas et al.* ("*Bilas*").

In making a proper obviousness rejection under MPEP 706.02(j), the examiner will address the following four steps:

   a) *the relevant teachings of the prior art relied upon, preferably with reference to the relevant column or page number(s) and line numbers where appropriate;*
   b) *the difference of differences in the claim(s) over the applied cited references;*
   c) *the proposed modification of the applied reference(s) necessary to arrive at the claimed subject matter; and*
   d) *an explanation why one skilled in the art at the time of the invention was made would have been motivated to make the proposed modification.*

As such to **claim 20**, for step (a) *Ozkan* discloses elements in the base claim.

For step (b) *Ozkan* is silent or deficient to the further limitation comprising adjusting the number of bulk decoders coupled to the network in accordance with system load.

Bilas teaches the further recited limitation above at e.g., in abstract.

For step (c), the proposed modification of the above-applied reference(s) necessary to arrive at the claimed subject matter would be to modify *Ozkan* by performing decoding in parallel which inherently reduces the system load.

In order to establish a prima facie case of obviousness for step (d), three basic criteria must be met. The three criteria according to MPEP 706.02(j) are as follows:

> *First there must be some suggestion or modification, either in the reference(s)*
> *themselves or in the knowledge generally available to one of ordinary skill in the art, to*
> *modify the reference or to combine the reference teachings. Second, there must be a*
> *reasonable expectation of success. Finally, the prior art reference (or references when*
> *combined) must teach or suggest all the claim limitations.*

As such, for step (d) examiner notes that it would have been obvious to one skilled in the art prior to applicant's invention to include the further limitation comprising adjusting the number of bulk decoders coupled to the network in accordance with system load. In particular, the motivation for modifying the reference or to combine the reference teachings would be to reduce the system load on the network by increasing the number of decoders in parallel. In particular, *Ozkan* cures the above-cited deficiency by providing a motivation found at e.g., at page 199 under Section 4 and at top right-hand column at page 201. Second, there would be a reasonable expectation of success since *Ozkan* teaches performing decoding in parallel. Thus the references either in singular or in combination teach the above claim limitation.

Conclusion

7.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derrick W. Ferris whose telephone number is (571) 272-3123. The examiner can normally be reached on M-F 9 A.M. - 4:30 P.M. E.S.T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Derrick W. Ferris
Examiner
Art Unit 2663

DWF

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TECHNOLOGY CENTER 2600   10/14/07